

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

Robert A. Magnanini
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Attorneys for Plaintiff
Walsh Securities, Inc.

WALSH SECURITIES, INC., : Civil Action No. 97-3496 (DRD)
Plaintiff, :
v. :
CRISTO PROPERTY MANAGEMENT, Ltd., et al., : DECLARATION OF
Defendants. : ROBERT A. MAGNANINI
: IN SUPPORT OF REQUEST FOR
: CLERK'S ENTRY OF DEFAULT
: AGAINST CERTAIN
: ***PRO SE* DEFENDANTS**

I, ROBERT A. MAGNANINI, do hereby declare:

1. I am a Partner in the firm Boies, Schiller & Flexner LLP, counsel to Plaintiff Walsh Securities, Inc. ("WSI") in this matter, and submit this Declaration in support of WSI's request pursuant to Fed. R. Civ. P. 55(a) for Clerk's Entry of Default Against Certain *Pro Se* Defendants, and having personal knowledge of the facts set forth in this Affidavit

2. On January 31, 2005, Plaintiff WSI filed a Third Amended Complaint against all of the Defendants.

3. On April 3, 2008, Plaintiff WSI sent a letter to the *pro se* Defendant James R. Brown ("Brown") advising him that he had not yet filed an answer or otherwise responded to the Third Amended Complaint, which had been filed over three years ago.

4. On April 18, 2008 an extension was consented to giving *pro se* Defendant Brown until May 30, 2008 to file an answer or otherwise respond to the Third Amended Complaint.

5. On May 8, 2008, Plaintiff WSI sent a letter to the *pro se* Defendant Stanley Yacker ("Yacker") advising him that he had not yet filed an answer or otherwise responded to the Third Amended Complaint, which had been filed over three years ago.

6. To date, based upon court records and my personal knowledge of the proceedings, *pro se* Defendants Brown & Yacker have failed to answer or otherwise respond, and have not requested an extension of time to answer.

7. The time set for each of the defaulting *pro se* Defendants to answer or otherwise respond to the Third Amended Complaint has elapsed.

8. This Declaration is executed in accordance with Rule 55(a) for the purpose of enabling Plaintiff WSI to obtain an entry of default against the defaulting *pro se* Defendants Brown & Yacker, for failure to answer or otherwise defend against Plaintiff's Third Amended Complaint.

9. Pursuant to the foregoing, Plaintiff WSI hereby submits its application for the entry of default against the defaulting *pro se* Defendants Brown & Yacker.

I DECLARE UNDER PENALTY OF PERJURY that the foregoing is true and correct and that this Declaration was executed in Short Hills, New Jersey on this 10 day of June, 2008.

By: _____/S/
Robert A. Magnanini, Esq.